

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
February 9, 2022
Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe; Terry Bowie; and Robert White, Jr.

Members Absent: Michael Sowell

Staff Present: Mike Wilkins, Development Review Director; Kimberly Golden Brandt, Livable Frederick Director; Steve Horn, Division Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Ashley Moore, Senior Planner; Cody Shaw, Principal Planner; Craig Terry, Planner; Denis Superczynski, Livable Frederick Planning Manager; Tim Goodfellow, Livable Frederick Environmental Planner; and Karen James, Administrative Specialist

The meeting was called to order at 9:30 am.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Mr. Tressler
3. **MINUTES TO APPROVE** December 15, 2021

Mr. Tressler asked if there were any additions or corrections. Hearing none, Mr. Hicks motioned to approve the minutes as submitted; Mr. Bowie 2nd.

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| <u>VOTE</u> | <u>4-0-1-2</u> |
| FOR: | 4 - Tressler, Sepe, Sowell, Hicks, Bowie |
| AGAINST: | 0 |
| ABSTAIN: | 1 - White |
| ABSENT: | 2 – Sowell and Rensberger (Rensberger absent at time of vote) |

4. **PLANNING COMMISSION COMMENTS**

None

Mr. Rensberger joined the meeting at 9:32 a.m.

5. **AGENCY COMMENTS / AGENDA BRIEFING**

Mr. Wilkins provided the Planning Commission with information for upcoming meetings. The February 16th 9:30 a.m. meeting will include three pieces of legislation for review and consideration, followed by a Draft Sugarloaf Treasured Landscape Management Plan workshop. The March 9th 9:30 a.m. meeting will have a full schedule including six Development Review items. Ms. Brandt continued with the March 9th meeting, which will also include the Fall 2021 Cycle water/sewer amendments with 10 cases for review and finding of consistency with the Comprehensive Plan. There will be a March 9th 7 p.m. rezoning hearing and a March 16th 9:30 a.m. Sugarloaf workshop.

Planning Commission members asked if there was a possibility of extra meetings to accomplish a timely review of the Sugarloaf Plan. There was discussion of the Stronghold property. Ms. Sepe suggested to move forward with the agenda.

6. AG CLUSTER MODIFICATION

- a) Hazelwood Farm, Lot 4 addition to Lot 3, Ag Cluster Modification - The Applicant is requesting a modification to allow a previously approved Lot in an Ag Cluster development to exceed the 2 acre maximum lot size for the retention of an accessory structure. Located on the south side of Liberty Road, approximately a ¼ mile west of Bessie Clemson Road. Tax Map 51, Parcel 199; Tax ID#08-224889 (Lot 3) & #08-224897 (Lot 4). Zoned: Agricultural; Planning Region: Walkersville. S-888A (AP# PL266365)

Craig Terry, Planner II

Staff Presentation:

Craig Terry

Applicant Presentation:

David W. Kline, owner

Mr. Hicks asked questions about Frederick County building permits. Mr. Terry explained what building permits accomplish. Mr. White had questions about the map and location of structures, which were answered by Mr. Terry, by explaining the map and sharing a photograph. Mr. Wilkins also weighed in with his thoughts.

Mr. Hicks said, it seemed unusual that a code enforcement issue was being brought to the Planning Commission for resolution. Mr. Wilkins explained the Planning Commission's role. He further said that he didn't think the Planning Commission should look at this as resolving a building enforcement issue as much as focusing on the fact that this is an ag cluster subdivision, what are the purposes and intents of the ag cluster and whether or not the Planning Commission is comfortable granting the lot size modification.

Mr. Kline addressed the Planning Commission stating that he wasn't aware that he needed a permit and that what took place was unintentional, continuing that he respectfully requests the modification. Commission members continued to discuss the request.

Public Comment: None

Decision: Mr. Rensberger motioned that the Planning Commission approve the Hazelwood Farm, Lot 4 addition to Lot 3, Ag Cluster Modification S-888A, AP PL266365 with conditions as listed in the staff report based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public hearing. Mr. White 2nd.

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| <u>VOTE</u> | <u>4-2-0-1</u> |
| FOR: | 4 - Tressler, Sepe, White, Rensberger |
| AGAINST: | 2 - Hicks, Bowie |
| ABSTAIN: | 0 |
| ABSENT: | 1 - Sowell |

7. CONCEPT SITE PLAN

- a) 4226 Jefferson Pike Concept Plan - The Applicant is requesting Concept Plan approval for three commercial buildings (5,000 sq ft; 4,800 sq ft; 5,000 sq ft) with one having a multifamily unit second floor located on a 2.86-acre Site. Located on the north side of Jefferson Pike. Tax Map: 84, Parcel 148; Zoned: Village Center and Agricultural; Planning Region: Brunswick. SP03-14 (AP# SP267643)

Cody Shaw, Principal Planner

Staff Presentation:

Cody Shaw

Applicant Presentation:

Bill Hopwood, applicant

Mike Swanson, Terra Solutions Engineering, LLC

Kevin, Proffitt and Associates, Architects

Ms. Sepe had questions about parking spaces and modifications. Mr. Bowie asked about lighting requirements. Forest conservation questions were posed by Mr. Hicks, particularly one specimen tree to be removed.

Mr. Hopwood addressed the Planning Commission, explaining the tree to be removed which is a Silver Maple and future parking space needs. Mr. White said that he liked the design and expressed that the exterior rendering were attractive. He further answered earlier questions of the members. A nearby Comcast building and fence was discussed. Ms. Sepe mentioned a few items that would be helpful when it is time for site development. After Mr. Hopwood's presentation, Mr. Tressler offered a reminder that this is a Concept Plan, and would return to the Planning Commission as a Site Development Plan. Ms. Sepe brought up the removal of the tree, and Mr. Hicks said he now believes that removal for the purposes of the development is appropriate.

Public Comment:

Live call-ins: 1

Decision: Mr. White motioned that the Planning Commission approve Concept Plan SP03-14, AP SP267643 with conditions as listed in the staff report based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Hicks 2nd.

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| <u>VOTE</u> | <u>6-0-0-1</u> |
| FOR: | 6 - Tressler, Sepe, White, Rensberger, Hicks, Bowie |
| AGAINST: | 0 |
| ABSTAIN: | 0 |
| ABSENT: | 1 - Sowell |

Break taken at 11:18 a.m. Meeting resumed at 11:28 a.m.

8. SITE PLAN

- a) Jefferson Technology Park GMP Building 2 Lot A-3B - The Applicant is requesting Site Development Plan approval for the construction of a 145,000 sq. ft. building for a proposed laboratory research, experimental, or testing use located on a 10.915-acre

Site. Located on the east side of Jefferson Station Court. Tax Map: 76, Parcel 568; Zoned: Mixed Use Development; Planning Region: Frederick. SP06-07 (AP# SP267702)

Cody Shaw, Principal Planner

Staff Presentation:

Cody Shaw

Applicant Presentation:

Bruce Dean, McCurdy, Dean and Graditor, LLC

Fran Zeller, Harris, Smariga and Associates

Mr. Hicks asked about the request of a waiver of the requirement to connect to future existing or future adjacent parking areas, and asked from a planning perspective what the design goal is for the requirement. Ms. Sepe asked that as a courtesy to Planning Commission members, staff provide history of a property and documentation. Staff apologized and expressed that this request has been met in the past, but in this case was missed. Mr. Rensberger and Mr. Hicks were in agreement with Ms. Sepe.

Mr. Dean addressed the Planning Commission members, introducing the project and responding to earlier questions. He thanked staff for their thorough report. Ms. Sepe had questions about circulation and connectivity to another property and a cul-de-sac accessing MD 180. Mr. Zeller addressed these questions. Mr. Hicks said he was glad to see this proposed research use coming to Jefferson Tech Park.

Public Comment: None

Decision: Mr. Hicks motioned that the Planning Commission approve Site Plan SP06-07, AP SP267702 with conditions and modifications as listed in the staff report for the proposed site plan based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. White 2nd.

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|-------------|---|
| <u>VOTE</u> | <u>6-0-0-1</u> |
| FOR: | 6 - Tressler, Sepe, White, Rensberger, Hicks, Bowie |
| AGAINST: | 0 |
| ABSTAIN: | 0 |
| ABSENT: | 1 - Sowell |

9. ZONING MAP AMENDMENT APPLICATIONS - Review of Roles and Procedures

Ms. Mitchell gave a presentation on rezoning, explaining the role of the Planning Commission. She reviewed the rules of procedure and approval criteria for rezoning. Questions were asked by Planning Commission members; Ms. Mitchell provided answers. She also explained actions that are taken after a public hearing.

Lunch break taken at 12:27 p.m. Meeting resumed at 1:15 p.m.

Mr. Sowell joined the afternoon session.

10. DRAFT SUGARLOAF TREASURED LANDSCAPE MANAGEMENT PLAN

Ms. Brandt said that this workshop will focus on proposed land use and zoning changes and the draft overlay language.

Mr. Rensberger stated that he will recuse himself from the Sugarloaf Plan because it was called to his attention that his mother owns land inside the Sugarloaf planning area and there is a potential for an appearance of a conflict of interest. This recusal was discussed by the other members. Ms. Mitchell said this was a personal decision by Mr. Rensberger and she fully supports his decision in this case. Mr. Rensberger said he felt it was the right thing to do.

Mr. Goodfellow began to review the proposed land use and zoning changes. Discussion included potential negative impacts for property owners, particularly changes from Ag to RC. Ms. Sepe said that she was not happy seeing parcels changed where it could have an impact on the value of the property.

Ms. Brandt reminded the members that this is their decision. Mr. White said that he felt the staff has been forthcoming and was ready to vote. Ms. Sepe said, "make a motion, vote, see where we go from there." Mr. Bowie and Mr. Sowell both said they were ready to vote, ready to move forward. After further discussion, Mr. Tressler said he would accept a motion.

Decision: Mr. Hicks motioned that the Planning Commission approve the proposed land use designation changes and zoning designation changes as depicted on the maps presented and on the two spreadsheets provided by staff for today's meeting, one dated 1.28.22 and the other 1.27.22. Mr. White 2nd.

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|-------------|-------------------------------------|
| <u>VOTE</u> | <u>4-2-0-1</u> |
| FOR: | 4 - Tressler, White, Sowell, Hicks, |
| AGAINST: | 2 - Sepe, Bowie |
| ABSTAIN: | 0 |
| ABSENT: | 1 - Rensberger |

Mr. Goodfellow began his presentation on the draft Overlay Zoning District, responding to questions asked by the Planning Commission members. Commission members decided to go slide-by-slide in their review of the draft overlay language and get a general consensus of which slides to say yes to/approve of, and which ones to say no to and revisit.

Page A-19 – no, revisit, more flexibility needed
Page A-19 continued to A-20 – no, revisit, more discussion needed
Page A-20 – yes
Page A-21 – yes
Page A-21 continued – yes
Page A-21 continued – no, revisit, additional requirements
Page A-21 continued to A-22 – yes
Page A-23 – yes
Page A-23 continued to A-24 – yes

Ms. Sepe inquired about the mailer to all the property owners whose properties were recently added to the northernmost portion of the planning area. Ms. Brandt affirmed that notification was sent by mail and several property owners have been in touch with staff to learn more.

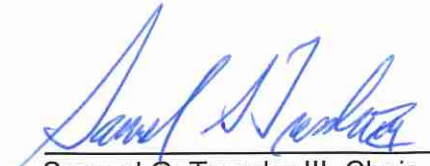
After a brief discussion of the proposed Rural Legacy area expansion, Ms. Brandt talked about upcoming meetings. Members asked about scheduling additional/extra meetings. Ms. Brandt said she would check with Video Services about the broadcast schedule and

their availability.

Mr. Hicks motioned to adjourn. Mr. White 2nd.

General consensus vote taken.

Meeting adjourned 3:43 p.m.



Samuel G. Tressler III, Chair

4/20/22
Date